



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

June 1, 2018

BY ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Alain Kaloyeros, et al.*, S2 16 Cr. 776 (VEC)

Dear Judge Caproni:

The Government respectfully writes to renew its request for a one-week adjournment of the trial scheduled to begin on June 11, 2018. On May 29, 2018, the Court indicated that it would not adjourn the trial for two weeks, and preferred not to adjourn the trial at all, but would consider a renewed motion at the pretrial conference scheduled for June 6, 2018. The Court also asked the Government to inform the parties as to whether it would seek such an adjournment by June 1, 2018.

The Government has now substantially completed its review of the approximately 24,000 pages recently produced by LPCiminelli.¹ Although the Government has been able to review the documents, it has had to devote substantial resources of the trial team to accomplish that review quickly at a time that the Government is preparing its case-in-chief and working to be prepared to make effective use of the jury's time. As a result, the review has caused substantial delay in the Government's preparation for trial. For this reason, the Government respectfully requests a one-week adjournment of the trial in order to permit the Government sufficient time to prepare to present its case to the jury.

The Government notes that, based upon their representations on the record at the May 29, 2018 conference, counsel for Joseph Gerardi and counsel for Michael Laipple do not object to the requested adjournment. Counsel for Alain Kaloyeros and counsel for Louis Ciminelli prefer to begin trial on June 11, 2018, but appear amenable to a one-week adjournment. Counsel for Steven Aiello object to the adjournment on the basis of the increased costs of a one-week adjournment.

Finally, the Government respectfully requests that the Court rule on this application in advance of the June 6, 2018 conference. In addition to the defendants, numerous witnesses must

¹ Approximately 300 pages were not readable, and the Government has requested reproduction or assistance from LPCiminelli.

travel to be present to testify at trial, and advance notice of the adjournment will permit the defendants and witnesses to make appropriate plans.

Respectfully submitted,

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cc: Counsel for all defendants (via ECF)